

REMARKS

Status of the Application

Claims 1-5 and 7-70 are all the claims pending in the application. Claims 5, 50, 63, 64, 67 and 68 are objected under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1-5, 7, 9, 41, 42, 48, 50-53, 55, 56 and 63-70 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, 9, 23, 43, 44, 47, 50 and 50 of U.S. Patent No. 7,061,535. Claims 1-5, 7, 9, 41, 42, 48, 50-53, 55, 56 and 63-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swayze (U.S. 6,519,003) in view of Hirose et al. (U.S. 4,987,279) in further view of Anderson (U.S. 6,486,914).

By this Amendment, Applicants are amending claims 1, 9, 41, 52, 53, 55 and 69, and are canceling 5, 42, 50, 63, 64, 67, 68 and 70.

Claim Objections

Claims 5, 50, 63, 64, 67 and 68 are objected under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants hereby cancel claims 5, 50, 63, 64, 67 and 68, and respectfully request withdrawal of the objection.

Double Patenting Rejection

Claims 1-5, 7, 9, 41, 42, 48, 50-53, 55, 56 and 63-70 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, 9, 23, 43, 44, 47, 50 and 50 of U.S. Patent No. 7,061,535.

Applicants hereby submit a terminal disclaimer to obviate the double patenting rejection. Withdrawal of the rejection is hereby respectfully requested.

Claim Rejections -- 35 U.S.C. § 103(a)

Claims 1-5, 7, 9, 41, 42, 48, 50-53, 55, 56 and 63-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swayze (U.S. 6,519,003) in view of Hirose et al. (U.S. 4,987,279) in further view of Anderson (U.S. 6,486,914).

Amended claim 1 recites, in part, “said display part displays information related to the operation mode of the apparatus and plural pieces of information indicating the function of the switches on an area provided in the vicinity of each switch, and the information related to the operation mode and the plural pieces of information indicating the functions of the switches are changed in response to the operation mode selected by the user.” The Examiner alleges that claim 1 reads on a proposed combination of Swayze, Hirose and Anderson. Applicants respectfully disagree.

Amended claim 1 recites a display part and an instruction input unit as separate units, with the instruction input unit arranged in surroundings of the display part. The Examiner acknowledges that Swayze fails to disclose an instruction input unit including a display part. However, the Examiner cites to Hirose as disclosing an input unit having a display screen. Amended claim 1, on the other hand, recites that the instruction input unit is arranged on a display part, not the display screen being disposed in the instruction input unit. Therefore, Hirose cannot cure the deficient disclosure of Swayze as alleged by the Examiner.

Further, amended claim 1 recites, “a switch pressing unit provided in the vicinity of an outer periphery of a rear face of said first face, said switch pressing unit being capable of being displaced in accordance with the displacement of the instruction input unit.” Swayze discloses a multi-function tactile switch 90 for transferring an input operation of a select button 78. However, if the switch contacts 86 pointed out by Examiner are a switch for transferring an input operation of the select button 78 to the apparatus, the switch pressing unit recited in claim 1 cannot read on the switch contacts 86 because the switch part 86 has a role for transferring an operation of a mode dial 72 and a position thereof is under the mode dial 72 rather than a rear face of the select button 78.

Furthermore, in Hirose, the switch is a push-button switch. Thus, since a selected function is only displayed by selecting a portion of a hook-shaped display portion 15 around the push-button switch to change designs of a design display portion 14 one at a time; further various functions related to the displayed design cannot be selected using the hook-shaped display portion. Therefore, Hirose fails to cure Swayze’s deficient disclosure with regard to amended claim 1.

Additionally, Anderson uses push-button switches. However, these switches do not disclose a switch pressing unit provided in the vicinity of an outer periphery of a rear face of said first face, as recited in amended claim 1. Thus, Anderson also fails to cure Swayze’s deficient disclosure with regard to amended claim 1.

Therefore, for the reasons noted above, amended claim 1 is patentable over the applied art. Claims 2-4, 7 and 66 are patentable at least by virtue of their dependency from amended

claim 1. Amended claim 9 recites similar limitations to amended claim 1, and is patentable for reasons analogous thereto.

Amended claim 41 recites, in part, “the height of the button disposed on an upper side of said switch unit is lower than that of the button disposed on a lower side of said switch unit.” Swayze discloses a switch 78, which is circular in nature, having an elevated edge and a slightly depressed center. However, Swayze fails to disclose a plurality of buttons which are disposed *on an upper and lower side of the said switch unit*. The switch 78 in Swayze shows no buttons located on the switch itself. Further, even if, *arguendo*, that Swayze does disclose the recited buttons, Swayze further fails to disclose that the button disposed on the upper side of said switch unit is lower than the button disposed on the lower side of said switch unit. Rather, the buttons all have the same height in Swayze.

Hirose and Anderson, on the other hand, both disclose a push-button switch. However, again, the height of an upper end of either switch is not different from that of a lower end of the same switch. Therefore Hirose and Anderson fail to cure the deficient disclosure noted in Swayze. Therefore, the proposed combination of Swayze, Hirose and Anderson cannot render amended claim 41 obvious. Amended claim 41 is patentable over the applied art.\

Claims 51 and 69 are patentable at least by virtue of their dependency from amended claim 41.

Claim 52 recites, in part, “said capturing apparatus further comprising a second display unit disposed separately from the first display unit on a different place on the capturing apparatus, for presenting the same functions as those displayed on the first display unit.”

Swayze is limited to a single display unit 35. Thus, Swayze fails to disclose second display unit disposed separately from the first display unit on a different place on the capturing apparatus, as recited in amended claim 52. Hirose is directed only to a push-button switch and does not disclose a first and second display unit. Thus Hirose cannot cure the deficient disclosure of Swayze. Further, Anderson discloses only a single display unit 402, and also fails to disclose a second display unit disposed separately from the first display unit. Thus, the proposed combination of Swayze, Hirose and Anderson fails to render amended claim 52 obvious, as alleged by the Examiner. Amended claim 52 is patentable over the applied art.

Claims 53, 56 and 65 are patentable at least by virtue of their dependency from amended claim 52.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/765,369

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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